

REMARKS

The Examiner, in the Official Action, rejected claim 1 under 35 USC § 102(b) as being anticipated by Yamauchi et al. for the reasons set forth therein. Claims 1, 2 and 6 of the present invention, as amended, recite that the image layer has a first machine-readable indicia formed thereon and a second machine-readable indicia integrally formed in the protective layer which is in register with said first machine-readable indicia and identical in content to the first machine-readable indicia. Applicant respectfully submits that the Yamauchi reference clearly does not teach or suggest this. By providing the second machine-readable indicia directly over the first machine-readable indicia this allows for enhanced machine readability of the indicia. As discussed on page 18, lines 9-16, the registration of the indicia with the indicia below improves the readability of the indicia with an incident being laser scanned. The prior art fails to teach or suggest a media having a first machine-readable indicia and a second machine-readable indicia in a super-imposed layer that is identical in register with the layer as taught and claimed by Applicant. Accordingly, it is respectfully submitted that Yamauchi does not teach or suggest the invention as currently set forth in independent claim 1.

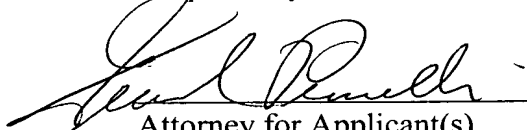
The Examiner has also rejected claims 1, 2, 3, 4, 6-13 under 35 USC § 103(a) as being unpatentable over Yamauchi et al. for the reasons set forth in paragraph 3. Independent claim 2 is similar to claim 1 in that there is also provided first and second indicia when the second indicia is identical and in register with the first indicia as set forth in independent claim 1 and thus is patentably distinct for the same reasons previously discussed.

With regard to independent claim 7, the indicia in the protective outer layer is substantially transparent and thus does not interfere with the image below. Support for this limitation may be found on page 14, lines 30 et al. Yamauchi does not teach or suggest the writing of a second machine-readable indicia that is not visible yet still allows the other image to be read that is below.

The remaining claims depend at least ultimately upon the above independent claims and therefore are patentably distinct for the same reasons previously discussed.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Pincelli", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.